

## REMARKS

Claims 18 and 25 have been amended to meet most of the points raised in the final rejection and the issues noted in the advisory action. In particular,

- 1) the definition of the  $CR^1R^2R^3$  has been amended. So far as the first issue raised in the advisory action having regard to the ring (presumably intended to refer to a  $CR^1R^2R^{10}$  ring) is concerned, the original disclosure at page 4 states that  $CR^1R^2R^{10}$  may form a saturated 3 to 8 membered carbocyclic ring which may optionally contain from 1 to 3 double bonds and wherein 1 or 2 of the ring carbon atoms of such 5 to 8 membered rings may optionally be independently replaced by oxygen sulfur or  $NZ^3$ . There is an obvious inconsistency in this definition having regard to whether certain rings need to be 3 to 8 membered or 5 to 8 membered. The wording now adopted is the most limited possible interpretation of this original language and avoids the possibility that the group could be an azetidine as postulated by the Examiner by permitting replacement of ring carbon atoms by nitrogen only in the situation where the ring contains from 5 to 8 members.
- 2) The "alkylthio" language has been deleted.
- 3) The examiner's proposed wording for the provisoes in the definition of F has, except for an obvious typographical error, been adopted in both of claims 18 and 25.

It is, however, respectfully submitted that the definition of  $R^4$  as  $CF_3$  should be acceptable. The original definition in claim 1 included  $C_1-C_6$  alkyl... optionally substituted with one or two substituents independently selected from ... fluorine.... Page 9 refers to  $R^4$  as trifluoromethyl but only in juxtaposition to other groups having certain particular definitions. The applicants have previously argued that each of these groups of definitions should be taken separately. The examiner argues that they are cumulative. The Examiner has not so far been persuaded. However, there is an obvious discrepancy between two parts of the original disclosure which requires a sensible resolution. On page 9, it is indicated that the more specific

embodiments of the invention include compounds wherein R<sup>4</sup> is trifluoromethyl. To read this consistently with the definition in original claim 1 and on page 4, means that R<sup>4</sup> as trifluoromethyl must fall within the broad definition given in these locations, otherwise it could not be a more specific embodiment. The sensible resolution of this discrepancy therefore, is to add trifluoromethyl to the definition of R<sup>4</sup> in the claims and on page 4. The Examiner's emphasis on the semicolon at page 9, line 10, seems misplaced. Semicolons when used in a list can mean either "or" or "and", depending upon the context. Normally, this can be determined by the conjunction used between the penultimate and ultimate members of the list. Unfortunately, in the present case, no conjunction was used. However, it is submitted that the natural reading of the second complete paragraph on page 9 is that this is listing preferred groups which may be selected independently of each other.

In view of the foregoing it is believed that this application is now in order for allowance. An early action to this end is respectfully solicited. If the Examiner believes it would be useful to discuss this matter either personally or in a telephone interview, he is requested to let us know so that this can be arranged.

Respectfully submitted,



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JOHN RICHARDS  
c/o Ladas & Parry  
26 West 61st Street  
New York, NY 10023  
Telephone No. 212-708-1915  
Registration No. 31053